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Message Text

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
----------221110Z 063997 /10
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FM AMEMBASSY BONN
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S E C R E T SECTION 01 OF 02 BONN 06926

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FOR ASSISTANT SECRETARY HARTMAN AND EUR/CE DAVID
ANDERSON

E.O. 11652: GDS
TAGS: PFOR, PGOV, WB, GW, US, UR, UK, FR
SUBJECT: BERLIN: REPLY TO SOVIET DEMARCHE ON
MILITARY PATROLS

REFS: (A) BONN 6882; (B) STATE 87758; (C) STATE 86351

SUMMARY: AS REQUESTED BY REF B, THE BONN GROUP MET
ON APRIL 20 AND 21 TO DISCUSS A PROPOSED REPLY TO THE
SOVIET DEMARCHES. THE PROPOSED BONN GROUP DRAFT IS CONTAINED IN
REF A. THE BONN GROUP TEXT APPEARS TO US TO BE SOME-
WHAT FIRMER IN TONE THAN THE US DRAFT (REF C) BUT NOT
SO ABRUPT AS THE FRENCH. THE ONLY SUBSTANTIVE EXCISIONS
FROM THE US DRAFT SEEM TO BE THE REFERENCES TO THE
GDR, DIRECT REFERENCES TO THE SOVIET TOURS IN WEST
BERLIN AND A RESPONSE TO THE SOVIET CLAIM THAT THE
PATROLS ARE AN IRRITANT. ACTION REQUESTED: DEPART-
MENTS COMMENTS. END SUMMARY

1. THE BONN GROUP DISCUSSED THE PROPOSED REPLY TO THE
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SOVIET NOTE TRIPARTITELY (US, UK, FRANCE) ON APRIL 20
AND QUADRIPARTITELY ON APRIL 21. THE DISCUSSION ON
APRIL 20 WAS FOCUSED ON THE DRAFT US REPLY (REF C) AND
ON THE ORAL REPLY WHICH HIBBERT MADE AT THE TIME OF
DELIVERY OF THE SOVIET NOTE IN LONDON. IT WAS AGREED
THAT THE UK REP (EYERS) WOULD PRESENT A NEW DRAFT,
BASED ON THE US DRAFT AND THE HIBBERT REPLY, ON APRIL

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21. THERE FOLLOWS A DESCRIPTION OF THE CONTENT AND REASONING BEHIND THE BONN GROUP DRAFT (REF A).

2. THE FIRST PARAGRAPH OF THE BONN GROUP DRAFT IS TAKEN FROM THE US DRAFT.

3. WITH RESPECT TO THE SECOND PARAGRAPH OF THE US DRAFT, BOTH EYERS AND THE FRENCH REP (DE BOISSIEU) WERE OF THE VIEW THAT IT WAS MORE APPROPRIATE FOR INCLUSION IN THE US THAN IN THE UK AND FRENCH REPLIES. IN LIGHT OF THE FACT THAT THIS WAS THE SECOND TIME THE SOVIETS HAD MADE A FORMAL DEMAND TO THE US FOR THE CESSATION OF PATROLS, THE APRIL 15 DEMARCHE TO THE US SEEMED PARTICULARLY MODERATE IN TONE. IT WAS SUGGESTED THEREFORE THAT THE US MIGHT WISH TO USE THE SUBSTANCE OF SUCH A PARAGRAPH IN AN ABREVIATED FORM AS AN ORAL STATEMENT AT THE TIME OF DELIVERY OF THE REPLY. (FYI, IF DEPARTMENT DEEMS IT ESSENTIAL TO INCLUDE THE TEXT OF PARAGRAPH 2 OF US DRAFT IN US NOTE, EYERS AND DE BOISSIEU HAVE NO OBJECTION ALTHOUGH PREFERENCE IS OF COURSE FOR CONFORMING TEXT.) REFERENCE TO AN IMPROVED SITUATION IN EUROPE (SECOND SENTENCE OF PARAGRAPH 2 OF THE US DRAFT) IS MADE IN PARAGRAPH 5 OF THE BONN GROUP DRAFT.

4. THE SECOND PARAGRAPH OF THE BONN GROUP DRAFT IS FROM HIBBERT'S ORAL REPLY. IT IS SEEN AS DEFINING WHAT IS REALLY AT ISSUE.

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5. THE THIRD AND FOURTH PARAGRAPHS OF THE BONN GROUP DRAFT ARE AN AMALGAM OF THE US DRAFT AND THE HIBBERT REPLY. THEY SEEK TO EXPLAIN THE LEGAL FOUNDATION FOR THE RIGHT TO UNDERTAKE PATROLS SINCE THE PATROLS ARE NOT EXPLICITLY CALLED FOR BY ANY FOUR-POWER AGREEMENTS BUT ARE GROUNDED IN PRACTICE. THIS CONFORMS TO THE SUBSTANCE OF THE US DRAFT'S PARAGRAPH 3. WITH RESPECT TO THE US REFERENCES TO THE US (I.E., ALLIED) UNDERSTANDING AND INTERPRETATION OF THE QUADRIPARTITE AGREEMENT AND DECLARATION, IT WAS FELT THAT THIS SUGGESTS PERHAPS TOO STRONGLY THAT THE AGREEMENT AND DECLARATION ADMIT OF DIFFERING INTERPRETATIONS BY THE USSR AND THE ALLIES. WHILE THIS IS IN FACT TRUE, THE PREFERENCE WAS NOT TO ADMIT IT. THE DIRECT REFERENCE TO SOVIET TOURS IN WEST BERLIN WAS OMITTED BECAUSE

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THE SOVIETS CAN (AND DO) CLAIM THEY ARE INHERENTLY DIFFERENT. EYERS WOULD NOT ALLOW EXPLICIT MENTION OF SOVIET PATROLS CALLING IT A "PROVOCATIVE" SUGGESTION OF A QUID PRO QUO.

6. WITH RESPECT TO PARAGRAPH 4 OF THE US DRAFT, IT IS QUESTIONABLE WHETHER THIS IS THE BEST TIME TO ARGUE THAT THE PATROLS ARE IN FACT UNOBTRUSIVE. IT WAS ALSO QUESTIONED WHETHER IT IS DESIRABLE TO RESPOND TO THE ARGUMENT THAT THE PATROLS ARE AN ANNOYANCE TO THE GDR SINCE THIS IS IRRELEVANT TO THE ALLIED LEGAL RIGHT TO PATROL. THE SOVIETS HAVE ALREADY MADE THE POINT THAT THEY DO NOT CARRY OUT PATROLS AS SUCH BUT TRAVEL TO SPECIFIED PLACES WHERE THEY HAVE A DIRECT INTEREST. IF THE NUISANCE QUESTION WERE TO BE RELEVANT, THE SOVIETS WOULD APPEAR TO HAVE THE STRONGER ARGUMENT.

7. THE SUBSTANCE OF PARAGRAPH 5 OF THE BONN GROUP DRAFT IS DERIVED FROM PARAGRAPH 5 OF THE US DRAFT. THE US REP NOTED THAT THE PHRASE "AT THIS CRITICAL POINT IN EAST-WEST RELATIONS" STRENGTHENED THE ALLIED ARGUMENT BY EMPHASIZING THE FACT THAT NEITHER THE PATROLS NOR BERLIN CAN BE VIEWED IN ISOLATION BUT
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THAT WHAT AFFECTS BERLIN CAN HAVE EFFECTS ELSEWHERE.

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EYERS AND DE BOISSIEU AGREED THAT THIS WAS TRUE IN THE CASE OF THE US, I.E., THAT US/USSR RELATIONS MAY BE SEEN TO BE AT A PARTICULARLY CRITICAL POINT, BUT THAT THE PHRASE BORE LESS, IF ANY, RELEVANCE IF UTTERED BY THEIR GOVERNMENTS. THE FRG REP (HENZE) SAID HE HAD "STRONG RESERVATIONS" ABOUT THE PHRASE BECAUSE IT MIGHT SUGGEST THAT, AT SOME LESS CRITICAL POINT, WE WOULD BE MORE ACCOMMODATING. AS A MIDDLE GROUND, EYERS SUGGESTED THE US MIGHT WANT TO INCLUDE THE PHRASE AS ORAL STATEMENT. HENZE REMAINED UNCONVINCED AND ASKED THAT WE REPORT HIS DISSENT.

8. WITH RESPECT TO THE REQUEST IN REF B THAT THE REPLY SHOULD QUESTION THE SOVIET MOTIVES, EYERS HAD NO SUCH INSTRUCTION AND DE BOISSIEU, WHO DID HAVE, THOUGHT SUCH AN INCLUSION INAPPROPRIATE. AT OUR URGING, HOWEVER, THE PHRASE IN BONN GROUP PARAGRAPH 5 "THE SOVIET DEMARCHE MUST PUT IN DOUBT THE WILLINGNESS OF THE SOVIET UNION TO CONTINUE THE POLICY OF DETENTE OF WHICH THE QUADRIPARTITE AGREEMENT IS A BASIC ELEMENT" WAS INCLUDED IN AN ATTEMPT TO RESPOND TO THIS REQUIREMENT.

9. THE LAST PARAGRAPH IS ALSO TAKEN FROM THE LAST PARAGRAPH OF THE US DRAFT. "ACCEPTS" WAS SUBSTITUTED FOR "SHARES," (WITH THE US REP RELUCTANTLY CONCURRING IN ORDER TO REACH AGREEMENT) ON THE GROUND THAT "SHARES" WAS TOO FORTHCOMING. THE LANGUAGE WAS ALSO CHANGED TO REFER ONLY TO THE SOVIET DEMARCHE NOT BEING MADE "A MATTER OF PUBLIC DISCUSSION" SINCE IT WAS FELT THAT AGREEMENT NOT TO DRAW UNNECESSARY ATTENTION TO "THE MATTER OF THE TOURS BY FLAG VEHICLES" COULD SUGGEST THAT WE INTENDED TO REDUCE THE TOURS THEMSELVES OR TO MAKE THE TOURS THEMSELVES LESS PUBLIC. FYI, EYERS COMMENTED THAT THE UK WILL ATTEMPT TO
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MAKE THEIRS LESS EVIDENT (HE WAS ALREADY AWARE OF THE NIGERIAN MOTORCADE INCIDENT) BUT APPARENTLY FEELS THERE IS NO NEED TO TELL THIS TO THE SOVIETS IN THE NOTE.

10. ON A RELATED MATTER, EYERS SAID THE QUESTION OF INFORMING THE BERLIN SENAT OF THE DEMARCHES HAD BEEN RAISED BY THE UK MISSION IN BERLIN. HENZE SUGGESTED THAT THE SENAT WOULD HAVE TO BE TOLD. EYERS (SUPPORTED BY THE FRENCH AND US REPS) STRONGLY URGED THAT THIS NOT BE DONE UNTIL AFTER THE REPLY TO THE SOVIET NOTE HAD BEEN DELIVERED. THE US REP (SUPPORTED BY EYERS AND DE BOISSIEU) ASKED THAT, IN VIEW OF THE

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SENSITIVITY OF THE SUBJECT, THE FRG FOREIGN OFFICE
GIVE SERIOUS CONSIDERATION TO NOT INFORMING THE
SENAT AT ALL SINCE THE SENAT'S PENCHANT FOR PUBLIC
DISCLOSURE IS WELL KNOWN. HENZE SAID THEY WOULD
DISCUSS THIS IN THE FOREIGN OFFICE AND SUGGESTED A
POSSIBLE COURSE WOULD BE TO INFORM ONLY SENATOR STOBBE,
WHO IN TURN WOULD BE TOLD TO INFORM ONLY GOVERNING
MAYOR SCHUETZ.
STOESSEL

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